

REMARKS/ARGUMENTS

These remarks are submitted in response to the Office Action of March 6, 2009 (Office Action). Claims 1, 9, 10 and 14 have been amended. The amendments to these claims are supported by the specification and drawings (see, for example, paragraphs [0075] and [0112] of the published application). Therefore, no new matter has been added.

At the time of the Office Action, claims 1-20 and 22 were pending. Claims 1-20 and 22 were rejected under 35 U.S.C. §103.

In the remarks that follow the terms Applicant, Applicants, Applicant's, and Applicants' as used herein shall relate to all inventors associated with the present Office Action.

The Applicant would like to thank the Examiner for conducting a telephone conference on August 26, 2009, to discuss the claim amendments. Applicant's position as articulated during the interview is set forth below.

I. Claim Rejections Under 35 USC §103

Claims 1-19 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0128356 to Bernstein et al (hereinafter 'Bernstein'), in view of U.S. Patent Application Publication No. 2003/0229670 to Beyda (hereinafter 'Beyda').

Claim 20 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Bernstein in view of Beyda, further in view of U.S. Patent Application Publication No. 2002/0065894 to Dalal et al (hereinafter 'Dalal')

For the following reasons, these rejections are respectfully traversed.

II. Response

The traversal arguments set forth in the previous response file on November 14, 2008, are still apropos and are herein incorporated by reference. Moreover, on page No. 5 of the Final Office Action, the Examiner indicates that she believes that the claims do not clearly define how the instant messaging client determines the internet presence of a

contact identified in an email message. By this Amendment, Applicants have made clarifying amendments to independent claims 1, 9, 10 and 14 which clearly define how the instant messaging client determines the internet presence of a contact identified in an email message.

More specifically, claim 1 has been amended to recite, *inter alia*, determining, by an instant messaging client, an Internet presence of a contact identified in an email message, wherein the determining comprises comparing an email address of the contact identified to an address book database and retrieving an instant messaging address of the contact identified from the address book database, and then using the retrieved instant messaging address to determine that the contact is present. Bernstein, whether taken alone or together with Beyda, fails to teach or suggest such a determining of the internet presence of a contact identified in an email message.

Claims 9, 10 and 14 have been amended in a similar manner and clearly patentably distinguish over any reasonable interpretation of the cited references.

The dependent claims are patentable in view of the arguments set forth above with respect to the corresponding independent claims, as well as based on the recitations set forth therein.

CONCLUSION

Applicant believes that this application is now in full condition for allowance, which action is respectfully requested. Applicant requests that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion. Please charge any deficiencies or credit any overpayment to Deposit Account No. 50-0951.

Respectfully submitted,

/Paul F. Neils/

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